

1 **SCHOOL SAFETY AMENDMENTS**

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carol Spackman Moss**

5 Senate Sponsor: D. Chris Buttars

6

7 **LONG TITLE**

8 **General Description:**

9 This bill specifically adds harassment or intimidation to the list of grounds for
10 suspension or expulsion from a public school and requires the reporting of incidents of
11 harassment or intimidation.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides definitions;
- 15 ▶ specifically adds harassment or intimidation to the list of grounds for suspension or
16 expulsion from a public school;
- 17 ▶ requires school districts and charter schools to annually report incidents of
18 harassment or intimidation to the State School Board;
- 19 ▶ requires the State School Board to annually report a summary of incidents of
20 harassment or intimidation to the Education Interim Committee; and
- 21 ▶ makes technical corrections.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **53A-11-902**, as last amended by Chapter 97, Laws of Utah 1995
 29 **53A-11-904**, as last amended by Chapter 203, Laws of Utah 2003
 30 **53A-11-906**, as last amended by Chapter 318, Laws of Utah 1996

31 ENACTS:

32 **53A-11-910**, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **53A-11-902** is amended to read:

36 **53A-11-902. Conduct and discipline policies and procedures.**

37 The conduct and discipline policies required under Section 53A-11-901 shall include:

- 38 (1) provisions governing student conduct, safety, and welfare;
- 39 (2) standards and procedures for dealing with students who cause disruption in the
- 40 classroom, on school grounds, on school vehicles, or in connection with school-related
- 41 activities or events;
- 42 (3) procedures for the development of remedial discipline plans for students who cause
- 43 a disruption at any of the places referred to in Subsection (2);
- 44 (4) procedures for the use of reasonable and necessary physical restraint or force in
- 45 dealing with disruptive students, consistent with Section 53A-11-802;
- 46 (5) standards and procedures for dealing with student conduct in locations other than
- 47 those referred to in Subsection (2), if the conduct threatens harm or does harm to:
 - 48 (a) the school;
 - 49 (b) school property;
 - 50 (c) a person associated with the school; or
 - 51 (d) property associated with a person described in Subsection (5)(c);
- 52 (6) procedures for the imposition of disciplinary sanctions, including suspension and
- 53 expulsion;
- 54 (7) specific provisions for preventing and responding to gang-related activities in the
- 55 school, on school grounds, on school vehicles, or in connection with school-related activities or
- 56 events[-]; and
- 57 (8) procedures for the completion of harassment or intimidation report forms and
- 58 report summaries in accordance with Section 53A-11-910.

59 Section 2. Section **53A-11-904** is amended to read:

60 **53A-11-904. Grounds for suspension or expulsion from a public school.**

61 (1) A student may be suspended or expelled from a public school for any of the
62 following reasons:

63 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
64 behavior, including the use of foul, profane, vulgar, or abusive language;

65 (b) willful destruction or defacing of school property;

66 (c) behavior or threatened behavior which poses an immediate and significant threat to
67 the welfare, safety, or morals of other students or school personnel or to the operation of the
68 school;

69 (d) possession, control, or use of an alcoholic beverage as defined in Section
70 32A-1-105; [or]

71 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
72 school or school property, to a person associated with the school, or property associated with
73 that person, regardless of where it occurs[-]; or

74 (f) harassment or intimidation as defined in Section 53A-11-910.

75 (2) (a) A student shall be suspended or expelled from a public school for any of the
76 following reasons:

77 (i) any serious violation affecting another student or a staff member, or any serious
78 violation occurring in a school building, in or on school property, or in conjunction with any
79 school activity, including:

80 (A) the possession, control, or actual or threatened use of a real weapon, explosive, or
81 noxious or flammable material;

82 (B) the actual or threatened use of a look alike weapon with intent to intimidate another
83 person or to disrupt normal school activities; or

84 (C) the sale, control, or distribution of a drug or controlled substance as defined in
85 Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug
86 paraphernalia as defined in Section 58-37a-3; or

87 (ii) the commission of an act involving the use of force or the threatened use of force
88 which if committed by an adult would be a felony or class A misdemeanor.

89 (b) A student who commits a violation of Subsection (2)(a) involving a real or look

90 alike weapon, explosive, or flammable material shall be expelled from school for a period of
91 not less than one year subject to the following:

92 (i) within 45 days after the expulsion the student shall appear before the student's local
93 school board superintendent or the superintendent's designee, accompanied by a parent or legal
94 guardian; and

95 (ii) the superintendent shall determine:

96 (A) what conditions must be met by the student and the student's parent for the student
97 to return to school;

98 (B) if the student should be placed on probation in a regular or alternative school
99 setting consistent with Section 53A-11-907, and what conditions must be met by the student in
100 order to ensure the safety of students and faculty at the school the student is placed in; and

101 (C) if it would be in the best interest of both the school district and the student to
102 modify the expulsion term to less than a year, conditioned on approval by the local school
103 board and giving highest priority to providing a safe school environment for all students.

104 (3) A student may be denied admission to a public school on the basis of having been
105 expelled from that or any other school during the preceding 12 months.

106 (4) A suspension or expulsion under this section is not subject to the age limitations
107 under Subsection 53A-11-102(1).

108 (5) Each local school board shall prepare an annual report for the State Board of
109 Education on:

110 (a) each violation committed under this section; and

111 (b) each action taken by the school district against a student who committed the
112 violation.

113 Section 3. Section **53A-11-906** is amended to read:

114 **53A-11-906. Alternatives to suspension or expulsion.**

115 (1) Each local school board shall establish:

116 (a) policies providing that prior to suspending or expelling a student for repeated acts
117 of willful disobedience, harassment or intimidation as defined in Section 53A-11-910, defiance
118 of authority, or disruptive behavior which are not of such a violent or extreme nature that
119 immediate removal is required, good faith efforts shall be made to implement a remedial
120 discipline plan that would allow the student to remain in school; and

121 (b) alternatives to suspension, including policies that allow a student to remain in
 122 school under an in-school suspension program or under a program allowing the parent or
 123 guardian, with the consent of the student's teacher or teachers, to attend class with the student
 124 for a period of time specified by a designated school official.

125 (2) If the parent or guardian does not agree or fails to attend class with the student, the
 126 student shall be suspended in accordance with the conduct and discipline policies of the district
 127 or the school.

128 (3) The parent or guardian of a suspended student and the designated school official
 129 may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or
 130 other appropriate state agencies, if necessary, in dealing with the student's suspension.

131 Section 4. Section **53A-11-910** is enacted to read:

132 **53A-11-910. Harassment or intimidation -- Definitions -- Reports.**

133 (1) As used in this section, "harassment or intimidation" means conduct, including
 134 verbal conduct, that:

135 (a) creates a hostile educational environment by substantially interfering with a
 136 student's educational benefits, opportunities, or performance, or with a student's physical or
 137 psychological well-being and is ~~H~~→ [:

138 ~~—— (i) motivated by an actual or a perceived personal characteristic, including race,~~
 139 ~~national origin, marital status, gender, gender identity, sexual orientation, religion, or disability;~~

140 ~~or~~

141 ~~—— (ii) ~~←H~~ threatening or seriously intimidating; and~~

142 (b) occurs on school property, at a school activity or event, or on a school bus.

143 (2) The state superintendent of public instruction shall create a standard victim of
 144 harassment or intimidation form that shall:

145 (a) identify the victim and the alleged perpetrator, if known;

146 (b) indicate the age of the victim and the alleged perpetrator, if known;

147 (c) describe the incident, including alleged statements made by the alleged perpetrator;

148 (d) indicate the location of the incident;

149 (e) identify any physical injury suffered by the victim and describe the seriousness and
 150 any permanent effects of the injury;

151 (f) indicate the number of days the victim has been absent from school, if any, as a

152 result of the incident;

153 (g) identify any request for psychological services initiated by the victim or the victim's
154 family due to psychological injuries suffered; and

155 (h) include instructions on how to complete and submit the form, including a mailing
156 address and electronic submission procedures, if available.

157 (3) (a) The state superintendent of public instruction shall distribute copies of the
158 victim of harassment or intimidation report to school districts and charter schools.

159 (b) Copies of the victim of harassment or intimidation report shall be available at each
160 school.

161 (4) An incident of harassment or intimidation may be reported to a school by a student,
162 parent, guardian, or close adult relative of a student.

163 (5) (a) Each school within a school district shall forward reports of incidents of
164 harassment or intimidation at the school to the school district.

165 (b) Each school district and charter school shall submit summaries of reports of
166 harassment or intimidation filed with the school district or charter school to the State Board of
167 Education by June 30 of each year.

168 (c) The report summaries described in Subsection (5)(b) shall delete any personally
169 identifying information.

170 (d) The reports to the State Board of Education shall include, to the extent feasible:

171 (i) a description of the incident of harassment or intimidation;

172 (ii) the age of the victim and the alleged perpetrator;

173 (iii) the allegation of the alleged perpetrator's motive;

174 (iv) a description of the investigation of the complaint and any corrective action taken
175 by the appropriate school authorities;

176 (v) the number of days the victim has been absent from school, if any, as a result of the
177 incident; and

178 (vi) the number of false allegations reported.

179 (6) The State Board of Education shall submit a report by November 30 of each year to
180 the Education Interim Committee summarizing the reports filed by school districts and charter
181 schools under Subsection (5).

Legislative Review Note
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Office of Legislative Research and General Counsel